IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10478 OF 2004

Shri Vitthal Ananda Bote .. Petitioner.

V/s.

Maharashtra Industrial Development Corporation & Ors. .. Respondents.

Mr.M.S.Lagu for the Petitioner.

Ms.Deepa Chavan i/by M/s.Little & Co. for the Respondent Nos. 1 and 3.

Mr. Pratap Patil with Mr.M.M.Kadam for the Respondent No.2.

Mr.S.R.Nargolkar, Assistant Government Pleader for the Respondent No.4.

CORAM : R.M.LODHA, S.A.BOBDE AND S.B.DESHMUKH,JJ.

DATED : 06TH OCTOBER, 2006.

P.C.:

. This writ petition has been referred to the Larger Bench by the order passed by the Division Bench on 16th September, 2005. The order reads thus :

> . "In view of the judgment reported in 2004 Mh.L.J.Vol.1 page 157, Rule. Prima facie we do not agree with the view. Place the matter before mylord the Chief Justice for appropriate directions."

2. The case set up by the petitioner in the writ petition is that by virtue of the Government Resolutions dated 13.09.2000 and 23.10.2002, some special concessions and benefits have been granted for the project affected persons while making appointments in the Government Services. The petitioner claims to be the project affected person and he wants that he be appointed to the post of Junior Engineer, based on the special concessions and benefits given in the afore-referred Government Resolutions.

3. The counsel for the petitioner concedes and in our view fairly that by the afore-referred two Resolutions of the Government, special concessions and benefits have been granted in respect of the appointments for class III and class IV posts. He also admitted that the post of Junior Engineer falls in neither of these categories, as the Junior Engineer is class II post. Apparently, therefore, the benefits of the afore-referred Government Resolutions are not available to the petitioner. In this view of the matter the correctness of the view taken by the Division Bench in the case of **Suresh s/o. Tikaram Pustode vs. State of Maharashtra & Ors. 2004(1)Mh.L.J.157,** does not need to be examined.

4. The writ petition has no merit and is dismissed accordingly.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

(S.B.DESHMUKH,J.)

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